

## APPROVED MINUTES

### KITTERY TOWN COUNCIL

January 13, 2014

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Jeffrey Pelletier, Frank Dennett, Judy Spiller, Charles Denault and Jeffrey Brake.

5. Agenda Amendment and Adoption –

The Agenda was accepted as presented.

6. Reserved

7. Acceptance of Previous Minutes – 4/8/13, 6/10/13, 11/25/13 12/9/13, 12/23/13 & 1/6/14

The minutes of 4/8, 6/10, 11/25, 12/9, 12/23 & 1/6/14 were approved as amended.

8. Interviews for the Board of Appeals – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None

10. PUBLIC HEARINGS -

a. (010214-1) The Kittery Town Council moves to hold a public hearing to receive comments on the DEP Brownfields Cleanup Grant application for Wood Island.

Chairperson Thomson indicated that this was not technically a public hearing because a public meeting must be held and was advertised in the local printed media on January 7<sup>th</sup>. He considered they would let the public discuss the item but that Council did not need to take any action.

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David Kaseleukas came to the podium and thanked Council for accepting the agreement with WILSSA. He then gave a brief history of the life saving station. Mr. Kaseleukas stated they had until January 22<sup>nd</sup> to submit the grant and that it was ready to go.

Dean Howells came to the podium and stated that he supported the application and expressed his appreciation of the hard work done by the town.

Greg Paxton came to the podium and indicated that he was a member of the Maine Preservation Society and that he wanted to congratulate the Town and WILSSA on their successful efforts thus far. He continued that the Society endorsed the grant and would be willing to help if needed.

Susan Emery came to the podium and noted that she was in favor of the grant and thought that the life saving station was important to the scenic character.

Chairperson Thomson thanked everyone for their comments and indicated that they were ready to submit the grant application.

### 11. DISCUSSION

- a. Discussion by members of the public (three minutes per person) – None
- b. Chairperson's response to public - None

### 12. UNFINISHED BUSINESS –

- a. (120113-2) The Kittery Town Council moves to approve, and hereby ordains amendments to Title 16, 16.10.9.1.4, Approved Plan Expiration and 16.5.2.4 Permit Period.

Chairperson Thomson indicated that this issue had been postponed from 12/9 to obtain clarity and that a motion was on the floor.

Town Manager Puff stated that staff had found a couple of errors that needed correcting and asked that the item be postponed again.

**COUNCILOR SPILLER MOVED TO POSTPONE ACTION UNTIL THE MEETING OF JANUARY 27, 2013, SECONDED BY COUNCILOR DENNETT, WITH ALL IN FAVOR. MOTION PASSES 6/0.**

- b. (120113-3) The Kittery Town Council moves to approve, and hereby ordains amendments to Title 16, Chapter 16.11, Marine Related Development, 16.11.1 Authority and Scope, 16.11.2, Application and 16.11.3, Shorefront Development Plan Review.

Chairperson Thomson stated that this item had been postponed from the 12/9 meeting and that there was a motion on the floor.

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Town Manager Puff stated the group reviewing this item had not had a chance to review it yet.

**COUNCILOR DENNETT MOVED TO POSTPONE ACTION UNTIL THE MEETING OF JANUARY 27, 2014, SECONDED BY COUNCILOR SPILLER, WITH ALL IN FAVOR. MOTION PASSES 6/0.**

c. (120213-3) The Kittery Town Council moves to approve the application from Hobie's Grill, LLC, 34 Pinewood Drive, Stratham, NH for a Victualer's License for Hobie's Grill, Super Shoes, US Route 1, Kittery.

Chairperson Thomson stated that there was a motion on the floor for action.

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

d. (120213-15) The Kittery Town Council moves to appoint Jessa Kellogg as Assistant Code Enforcement Officer until 12/31/14.

Chairperson Thomson indicated that the town manager had asked that no action be taken on the issue that evening.

### 13. NEW BUSINESS

a. Donations/gift received for Council disposition – None

b. (010214-2) The Kittery Town Council moves to approve the disbursement warrants.

**COUNCILOR SPILLER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR BRAKE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

c. (010214-3) The Kittery Town Council moves to rescind its vote from the December 23, 2013 meeting to extend the term of the Economic Development Committee until March 31, 2014.

**COUNCILOR DENNETT MOVED TO RESCIND ITS VOTE FROM THE DECEMBER 23, 2013 MEETING TO EXTEND THE TERM OF THE ECONOMIC DEVELOPMENT COMMITTEE UNTIL MARCH 31, 2014, SECONDED BY COUNCILOR BRAKE.**

Councilor Spiller indicated that she would abstain from the vote as she was not present at the December 23<sup>rd</sup> meeting.

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**A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR SPILLER ABSTAINED. MOTION PASSES 5/0/1.**

d. (101214-4) The Kittery Town Council moves to rescind its vote from the November 25, 2013 meeting to appoint Jeffrey Thomson and Charles Denault to the Economic Development Committee and to appoint one Councilor to the Economic Development Committee.

**COUNCILOR DENNETT MOVED TO RESCIND ITS VOTE FROM THE NOVEMBER 25, 2013 MEETING TO APPOINT JEFFREY THOMSON AND CHARLES DENAULT TO THE ECONOMIC DEVELOPMENT COMMITTEE, SECONDED BY COUNCILOR SPILLER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

**COUNCILOR THOMSON MOVED TO APPOINT COUNCILOR DENAULT TO THE ECONOMIC DEVELOPMENT COMMITTEE, SECONDED BY COUNCILOR BRAKE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

e. (101214-5) The Kittery Town Council moves to consider and approve amendments to Council Rules, Section 15, Standing Committees, (B), the Ordinance Review Committee, regarding membership and duties.

Councilor Denault indicated that he would like for a full Council to be present to discuss this issue and asked that it be put on the next agenda.

f. (101214-6) The Kittery Town Council moves to approve the five town-wide Sidewalk Sales Events for 2014, as requested by the Kittery Outlet Association.

**COUNCILOR SPILLER MOVED TO APPROVE THE FIVE TOWN-WIDE SIDEWALK SALES EVENTS FOR 2014, AS REQUESTED BY THE KITTELY OUTLET ASSOCIATION, SECONDED BY COUNCILOR BRAKE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

g. (101214-7) The Kittery Town Council moves to schedule a public hearing to amend Title 2 Administration and Personnel Chapter 2.4 Personnel Positions Established of the Kittery Town Code.

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**COUNCILOR SPILLER MOVED TO SCHEDULE A PUBLIC HEARING TO AMEND TITLE 2 ADMINISTRATION AND PERSONNEL CHAPTER 2.4 PERSONNEL POSITIONS ESTABLISHED OF THE KITTERY TOWN ON JANUARY 27, 2014, SECONDED BY COUNCILOR BRAKE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

### 14. COUNCILOR ISSUES OR COMMENT

Councilor Spiller stated they would be holding a meeting on the impact the sea level rise will have on Kittery on January 27<sup>th</sup>.

Councilor Spiller indicated there were some discussions about moving the Safford School to the Community Center. She continued she would like the idea to be floated at the next KCC Board of Directors meeting.

Councilor Dennett stated that he was appointed to interview Gary Beers to Economic Development Committee three weeks ago. He continued there were no other members of the Committee besides one other Councilor and they needed to have a chair to conduct the interview. He asked that an answer be brought back at the next meeting.

Councilor Denault stated that he would like to discuss making a change to Council Rules on the next agenda to recommended moving the town manager's report to the beginning of the agenda.

Councilor Denault noted that Councilor Brake had brought up the issue of the dilapidated buildings in town at the last meeting. He continued he had run into Mr. Sowerby who was willing to put up a fence to keep people out of the property until he was able to have the building taken down. Councilor Denault stated that the police department had recommended that the fence not be installed as it could hinder them in responding to an emergency. He indicated that he did not want this issue to keep being postponed and thought an answer should be given to Mr. Sowerby regarding the fence.

### 15. COMMITTEE AND OTHER REPORTS

#### a. Communications from the Chairperson –

Chairperson Thomson stated that the 2<sup>nd</sup> installment of property taxes were due on February 15<sup>th</sup> and wanted to make sure that reminders were going out. Town Manager Puff indicated that they were.

Chairperson Thomson noted that there was a property on Manson Ave that had been ruined by a fire. He continued he was told that a new house on the same footprint was going to

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be built and wanted to know if that had happened. Town Manager Puff responded that she would look into the issue.

Chairperson Thomson indicated that they had held an initial listening session regarding development of the foreside. He continued the Town Manager was formulating an action plan which would be in the public domain the in the next couple of weeks. He stated that the group would be meeting again to go over the plan.

### b. Town Manager's Report –

Town Manager Puff stated relative to Mr. Sowerby's property, that he had offered to erect fencing but the police department thought it might cause a problem and they thought "no trespassing" signs should be installed instead so they can arrest anyone on the property. Councilor Denault indicated that he thought putting up a fence was a safer idea. Councilor Dennett stated that he thought it was important that the town speak with one voice and that the Town Manager should speak for the town.

Town Manager Puff noted relative to the BIG project, that they had received formal notification from the State that they would be providing some funding for the project.

Town Manager Puff indicated relative to the flood insurance rate map changes, that she had met with FEMA and had outlined the process of how residents were going to be able to appeal. She continued the information had been posted on the town website and would be notifying the properties afflicted by the change.

Town Manager Puff stated she was working with WILSSA on filling in the blanks on the Brownsfield grant and that the Town would need to provide matching funds when the grant was accepted.

Town Manager Puff stated that Representative Shellie Pingree was going to be holding a federal round table budget meeting in Kittery. She continued that only 15 people were going to be able to attend and asked if Council had any suggestions on who should be invited, they should let her know.

### c. Committee Reports –

Councilor Spiller indicated that WIAC had met with the town planner and assistant town planner on January 4<sup>th</sup> and thanked them for their help on the application.

Councilor Spiller noted that WILSSA was looking to put some support up in the boat house. She continued that WIAC was concerned about doing them doing this as the agreement would need to be amended and permits and insurance would need to be in place. Councilor Spiller noted that WIAC was happy to meet with WILSSA to discuss the issue.

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16. EXECUTIVE SESSION – None
17. ADJOURNMENT

**CHAIRPERSON SPILLER MOVED TO ADJOURN, SECONDED BY  
CHAIRPERSON THOMSON WITH ALL IN FAVOR. MEETING ADJOURNED AT  
8:01 P.M.**